

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Adjourned Meeting
November 30, 2004

6:00 p.m.

Meeting Convened. An Adjourned Meeting of the York County Board of Supervisors was called to order at 6:01 p.m., Tuesday, November 30, 2004, in the East Room, York Hall, by Chairman Thomas G. Shepperd, Jr.

Attendance. The following members of the Board of Supervisors were present: Sheila S. Noll, Kenneth L. Bowman, James S. Burgett, and Thomas G. Shepperd, Jr.

Walter C. Zaremba was absent.

Also in attendance were James O. McReynolds, County Administrator; J. Mark Carter, Assistant County Administrator; and James E. Barnett, County Attorney.

WORK SESSION

PROPOSED MINI-SCOOTER ORDINANCE

Mr. Barnett distributed a condensed version of the materials he had provided the Board in the past on the mini-scooter issue. He stated the memo was a condensation of advice he had given the Board members previously. He then summarized the issue and how other localities have dealt with the subject. He reviewed the definitions dealing with mini-scooters, mopeds, and other electric bicycle-type vehicles, and the authority of localities to adopt certain regulations dealing with these types of vehicles. He stated the Code of Virginia has numerous statutes that regulate the way in which vehicles can operate on public streets, and one of the issues is that there are many devices that do not squarely fall within the definitions included in the Code of Virginia. Localities within the Commonwealth have taken different actions dealing with these vehicles, and for the most part localities in Virginia have addressed this issue by staying within the statutory definitions. He then reviewed the three draft versions of an ordinance he had previously provided the Board members. He stated he had taken the state statutes and created word-for-word an ordinance making its definitions applicable also to the definition of a motorized scooter. The law on these smaller vehicles is vague, and the confusion around the state is due to some people taking the position that these vehicles that are not mopeds do not clearly and cleanly fall within the definitions in the Code of Virginia. Many people have taken the position they are motor vehicles; some people feel that is too harsh, and they should not be regulated more strictly than mopeds.

Mr. Burgett spoke of articles he had read in the Richmond Times Dispatch written by a legal specialist with the State Police who says these vehicles come under motorcycles laws, since they are not mopeds, and need to be licensed and inspected. The author's point is that the General Assembly needs to recognize and address regulations for these vehicles.

Mr. Barnett stated a good argument to be made is that the electric-powered vehicles could easily be categorized as mopeds, but it is untried in court.

Discussion followed concerning the safety aspects of riding the scooters, such as there being no requirement for wearing helmets, and residents complaints that the Sheriff's Office does nothing about the individuals who ride up and down their streets at all hours of the day disturbing their peace because the Sheriff's Office says there is no ordinance to enforce.

Mr. Burgett stated what he was hearing this evening is talk about the need to wear a safety helmet riding these vehicles, but it misses the mark in that it does not answer the complaints of citizens concerning a person's quiet enjoyment of his or her property.

Mrs. Noll suggested that the noise ordinance must be enforced in those cases.

Mr. Burgett mentioned a letter from the Kiln Creek homeowners' association that says these kids are riding the vehicles on Kiln Creek Parkway, and they are asking the Board to do something about it. The Sheriff says there is no ordinance to enforce, and the citizens are asking the Board to adopt something that can be enforced.

Further discussion ensued on the problems of enforcing ordinances dealing with nuisance and noise.

Mr. Bowman noted that the Sheriff's Office used to have a bike rodeo where they gathered up all the kids with their safety gear, and the deputies would educate them on proper riding procedures. He suggested that such an approach be explored.

Chairman Shepperd expressed his agreement with Mr. Bowman.

By consensus the Board directed the County Administrator to take work with the staff and the deputies to see if some sort of educational program as suggested by Mr. Bowman would be feasible in terms of time, resources, and dollars.

Chairman Shepperd then indicated the Board still needed to agree on an ordinance option to have advertised for public hearing. He suggested that Option 2 seems to cover more of what the Board wants to do, and it can be modified later as needed.

Mrs. Noll suggested that Channel 46 be used to get the word out to the citizens as to what the Board is proposing.

Chairman Shepperd stated he would like it in Citizens' News and the newspapers also.

Mr. Burgett also asked that the County Administrator bring it up at the next homeowners' associations' meeting to get input from them as well.

Meeting Recessed. At 6:57 p.m. Chairman Shepperd declared a short recess.

Meeting Reconvened. At 7:04 p.m. the meeting was reconvened in open session by order of the Chair.

SOLID WASTE RATES

Mr. John Hudgins, Director of Environmental and Development Services, made a presentation concerning the need to restructure the solid waste rates. He began by a review of the contract for solid waste collection that was approved on October 26. He stated the contract includes an automated service, and the regular service will provide two 95-gallon containers instead of the current one container. The low generator service will provide one 95-gallon container instead of the current 40-gallon container. The bulky item pickup per household increases to four pickups instead of three, and there will be unlimited customer drop-off per household.

Chairman Shepperd asked when would the new service start.

Mr. Hudgins indicated it starts January 1, 2005, but there is a 30-day period to transition to automated service. He stated flyers will be on the toters starting immediately, and information on the new service will be placed on Channel 46.

Mr. McReynolds stated it is proposed that the rates be effective April 1 so it is certain that the toters are in the field.

Mr. Hudgins then reviewed the major ordinance changes which will be brought to the Board for public hearing on January 18. He noted the two 95-gallon containers would replace the 6-bag allowance the customer received with the one container. No additional trash will be allowed outside the toters, and no personal trash toters will be allowed. The 95-gallon toters may hold

up to 200 pounds of trash. Mr. Hudgins then reviewed operator costs for the yard debris pickup program, as well as the bi-monthly fee changes, current, and proposed new fees.

Chairman Shepperd stated he felt \$50 was too much for yard debris pickup. He indicated his concern is that the County now charges \$10, and it did not cover the cost; the \$50 may not cover it, but it is a very large increase. He stated his service is a courtesy to the citizens, and he thinks the County needs to take on part of this cost. The fee needs to be reasonable, but it should not hurt. Mr. Shepperd stated he was comfortable with \$25, and the second load should be painful at \$250.

After a brief discussion, the Board by consensus agreed to advertise the fee for yard debris pickup at \$25 once per quarter, with second and subsequent pickups in the quarter at \$250.

TAX RELIEF FOR THE ELDERLY

Mr. Frank Rogers, Manager of Housing and Neighborhood Revitalization, Department of Community Services, reviewed the current tax relief program and addressed the current state regulations and the current county program versus the new state code changes effective July 1, as well as recommended revisions to the County program. He noted the Board's instruction to staff on September 14 was to provide information on the cost of the program using the maximum state figures. He stated the cost impact could be up to \$522,000, or almost double the current cost. He then reviewed the proposed tax relief program for the County that would implement the new state maximum income eligibility criteria and would revise upward all income allowances and acreage exemptions to the maximum allowed by state code.

After a brief discussion, the Board by consensus agreed to have the proposed tax relief amendments advertised for public hearing.

Meeting Adjourned. At 7:47 p.m. Chairman Shepperd declared the meeting adjourned sine die.

James O. McReynolds, Clerk
York County Board of Supervisors

Thomas G. Shepperd, Chairman
York County Board of Supervisors